

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

MANOR CARE OF AMERICA, INC.

Plaintiff,

v.

**PROPERTY & CASUALTY INSURANCE
GUARANTY CORPORATION,**

Defendant.

**Civil Action No.
02-CV-04206 (BEL)**

MANOR CARE OF AMERICA’S MOTION TO COMPEL AND FOR SANCTIONS

Manor Care of America, Inc. (“Manor Care”) respectfully moves this Court to compel the Property & Casualty Insurance Guaranty Corporation (“PCIGC”) to respond to the questions left unanswered in the deposition of the key employee PCIGC identified in its interrogatory responses. Manor Care also requests that this Court impose sanctions against PCIGC and counsel for PCIGC, Mr. Mezzanotte, pursuant to Fed. R. Civ. P. 37, Local Rule 606, and D. Md. Discovery Guideline 1(c), for Mr. Mezzanotte’s cavalier and unprofessional conduct during the deposition of Ms. Deborah Price on July 11, 2003. *See Freeman v. Schointuck*, 192 F.R.D. 187, 188-90 (D. Md. 2000). Manor Care seeks sanctions including striking PCIGC’s denial that the claims at issue in this case are “covered claims” under the Maryland statute, fees and costs incurred by Manor Care in taking the initial Price deposition and for a second deposition of Ms. Price in which she answers the questions not answered in the first deposition, the fees and costs incurred in filing this motion to compel, and any additional sanctions this Court deems appropriate against PCIGC and Mr. Mezzanotte to discourage his improper behavior, including a monetary penalty against Mr. Mezzanotte personally.

In support of its Motion, Manor Care invites the Court's attention to the accompanying Memorandum of Points and Authorities.

Dated: September 5, 2003

Respectfully Submitted,

/s

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Counsel for Manor Care of America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2003, I caused the foregoing Manor Care of America's Motion to Compel and for Sanctions to be served electronically and/or by regular U.S. mail upon the following:

Edward M. Buxbaum, Esq.
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_____/s_____
Deanne M. Ottaviano